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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,143	07/16/2003	Gerd Hartel	071308.0453	1219
31625	7590	12/28/2004	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			FREAY, CHARLES GRANT	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,143	HARTEL ET AL.	
	Examiner	Art Unit	
	Charles G Freay	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 4,5,10,11,16 and 17 is/are rejected.
- 7) Claim(s) 1-3,6-9,12-15 and 18 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/16/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Claim Objections

Claims 1-18 are objected to because of the following informalities:

In line 1 of claims 1 and 7 “in particular and anti-lock ...” should be “for use in an anti-lock...” so that it is clear what the claim is directed to.

In claims 1 and 7 the conductors are said to be fixed in “a socket, in particular in a brush plate” and in claim 13 just a “socket” is referred to. A socket and a brush plate are two different things and the specification only discusses the conductors being fixed to the brush plate. The claims should set forth that the conductors are connected to a brush plate.

Throughout the claims it is unclear if the phrases set forth after phrases such as “particularly” or “preferably” are intended to further limit the claims. The claims should positively set forth these limitations or be deleted. For the purposes of this office action the examiner assumes that the phrases following “particularly” or “preferably” are intended to further limit the claimed invention.

In claims 1, 7 and 13 the examiner believes that the phrase ““parts, in particular one-piece, bent bending-die-punched parts” is redundant and should be “a one-piece, bent die-punched part”.

In claim 1 line 14 after “for” “the” should be inserted.

In claim 1 line 16 “can be” should be “is”.

In claims 3 and 15, at line 2 “can” should be “are” and in line 3 “be” should be deleted.

In line 4 of claims 6, 12 and 18 there is no antecedent basis for “the terminal”.

In claim 7 line 15 “can be” should be “is”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 10, 11, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 10 and 16 are vague and indefinite because the claims set forth that the conductors are “embedded” in the insulating jacket and as is clear from the disclosure the insulator jacket is merely slipped over the conductors, not embedded within the jacket. Also, in these claims the phrase “...laid through the faces, lying in front of one another, of motor housing/ pump....and on the inside of each housing” is confusing. It is unclear what the various relationships are trying to be set forth and what “lying in front of one another” means.

Claims 5, 11 and 17 are vague and indefinite because as set forth above the conductors are set forth as “embedded” in the insulating jacket while the jacket is merely disclosed as slipped over the conductors. Also, the claims sets forth that the

conductor is "laid on the outside of the housing". It is unclear what is meant by this phrase. Clearly the conductors extend from the motor housing but they are not laid on the outside of a housing.

Allowable Subject Matter

Claims 1-3, 6-9, 12-15 and 18 are allowed.

Claims 4, 5, 10, 11, 16 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art neither discloses nor makes obvious a motor pump unit as claimed with a motor housing, pump housing and an electronics housing having a plug-in type power supply or control conductor which is a one-piece, bent die-punched part of a stamped grid held in a brush plate with an elastic insulating jacket.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wetzel, Shimizu et al, Huber et al, and Hengler et al disclose similar motor pump units for brake systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G Freay whose telephone number is 571-272-

4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles G Freay
Primary Examiner
Art Unit 3746

CGF
December 22, 2004